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10/608,038	06/30/2003	Max Fudim	P-5756-US	8272
49444 7590 05/13/2008 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036				
EXAMINER				
TIEU, BINH KIEN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Response to Arguments

1. In response to the Applicants' arguments in the last paragraph, page 2 of their remarks filed on 04/21/2008 wherein the Applicants stated as follows:

"... Although the Examiner has cited Horvitz paragraphs 0073 and 0094 for teaching channel data memory, the details of Horvitz's channel data memory do not include failed association attempts. In paragraph 0073, Horvitz lists the following as data stored: "reliability history of the communication channel, reliability history of a current communication, communication length, communication type, mean time between failure of the communication channel, average failure duration of the communication channel, average percent degradation of the communication channel, atmospheric conditions, scheduled communication channel maintenance and scheduled communication channel downtime." These parameters all pertain to the reliability of a communication link, not to the success or failure of establishing that link as does Applicants claimed "associative history including at least successful association attempts and failed association attempts." A mean time between failures, for example, is in the context of Horvitz a measure of the duration of a continuation link, not a measure of attempts to associate..."

The Examiner respectfully disagrees with the Applicants' arguments above. First of all, *none* of the independent claims 1, 12, 23 and 26 clearly stated or defined the terms "failed association attempts" included the feature of *failure of establishing that link... or a measure of attempts to associate*.

Horvitz teaches, in paragraphs 0073 and 0094, inter alia, "...the channel data may include, for example, reliability history. The reliability history of a channel may be, e.g., average time between failures, time since last failure, likelihood of failure in phone communication lasting longer than five minutes, likelihood of failure in email communication containing more than one megabyte of data, etc, than are analyzed in connection with analyzing a channel..." Thus, according to those skilled in the art to realize that failures of a channel can be determined and analyzed based on:

a/. measuring an average time between failures associated with calling and called parties is ***first attempt*** for the system for analyzing channel.

b/. determining a time since last failure is a ***second attempt***.

c/. determining failure in phone communication lasting longer than five minutes is a ***third attempt***.

d/. determining failure in email communication containing more than one megabyte of data is a ***four attempt***.

All of the above measurements and determinations are attempts to be implemented for analyzing for failures associated with the channel for a communication between the calling and called parties.

Therefore, they are clearly read on the terms "failure association attempts."

Therefore, the rejections to all rejected claims in this application are maintained for the purpose of future appeals.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: May 2008